

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of
Billed Party Preference
for 0+ InterLATA Calls

CC Docket No. 92-77

**COMMENTS OF THE
NORTH AMERICAN TELECOMMUNICATIONS ASSOCIATION**

The North American Telecommunications Association ("NATA") submits the following comments in response to the Commission's Notice of Proposed Rulemaking, CC Docket No. 92-77, FCC 92-169, released May 8, 1992 ("Notice"). The Commission's Notice tentatively concludes that, "in concept, a nationwide system of billed party preference for all 0+ interLATA calls is in the public interest," and proposes to mandate implementation of billed party preference. Notice, ¶ 13.

NATA is a national trade association made up of more than 600 manufacturers, suppliers, distributors, retailers, and users of customer premises telecommunications equipment and related products and services. Founded in 1970, NATA is dedicated to the expansion of the U.S. business communications market and the maintenance of healthy sales and support channels for users of communications products and services. NATA advocates policies that promote fair competition in the telecommunications marketplace.

NATA supports the position taken by its affiliated council, the American Public Communications Council, in comments submitted

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separately. In addition, NATA wishes to make a number of points reflecting its perspective on the telecommunications equipment market as a whole.

Specifically, NATA is concerned with the Commission's tentative conclusion that if a system of billed party preference is adopted, it would be necessary to "amend Part 68 of our rules to preclude traffic aggregators and payphone providers from using automatic dialing mechanisms to program their phones to dial around billed party preference on such calls." Notice, para. 31. NATA agrees with APCC that to make billed party preference routing mandatory for traffic aggregators and payphone providers would be contrary to the Commission's established policies promoting competition in CPE, enhanced services, long distance, and local exchange markets.

In addition, even if it were appropriate to impose a billed party preference routing requirement on traffic aggregators and payphone providers, such a requirement should not be incorporated into Part 68. The Part 68 rules were established to protect the technical integrity of the public telephone network, and have continued to be almost exclusively limited to this narrow technical purpose:

The purpose of the rules and regulations in this part is to provide for uniform standards for the protection of the telephone network from harms caused by the connection of terminal equipment and associated wiring thereto, and for the compatibility of hearing aids and telephones so as to ensure that persons with hearing aids have reasonable access to the telephone network.

47 CFR sec. 68.1 (emphasis added). The "harms" against which the Part 68 rules are intended to protect the telephone network are limited to:

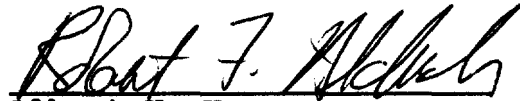
Electrical hazards to telephone company personnel, damage to telephone company equipment, malfunctioning of telephone company billing equipment, and degradation of service to persons other than the user of the subject terminal equipment, his calling or called party.

Part 68 was never intended to be used for other purposes, such as protecting carriers against economic harm or mandating that equipment offer certain features for the convenience of users. The rules being considered in this rulemaking are not premised on any threat of "harm" to the network and, therefore, do not belong in Part 68.

Moreover, Part 68 is a particularly inappropriate place for rules that do not involve the application of any conditions on the registration of customer premises equipment. We do not understand the Notice to be proposing to impose any such conditions on manufacturers or other registrants of equipment under Part 68. Indeed, it would be highly inappropriate to require equipment manufacturers to police the use of customer premises equipment to ensure that "automatic dialing mechanisms" are not being programmed to "dial around" billed party preference. Notice, para. 31. Automatic dialing mechanisms have a variety of useful applications, and it would needlessly chill innovation in equipment design if manufacturers were saddled with the impossible task of immunizing their systems against "dialing around" billed party preference.

Since the Commission's proposed requirements are not intended to be and could not appropriately be imposed on Part 68 registrants, no rules adopted in this rulemaking should be incorporated in Part 68.

Respectfully submitted,



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Date: July 7, 1992

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